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P-557 604 168

U.S. E.P.A., REGION VIII  
999 - 18TH STREET  
DENVER PLACE - SUITE 500  
DENVER, CO 80202-2405

1850 LINCOLN STREET  
DENVER, COLORADO 80295

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300  
AN EQUAL OPPORTUNITY EMPLOYER

8WM-C

E.P.A. PERMIT

Wayne Webster  
Rico Development Corporation  
P.O. Box 158, Highway 145  
Rico, CO 81332 (130)

10-1-90

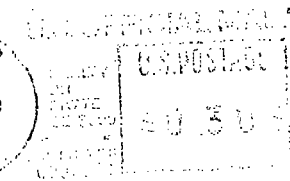
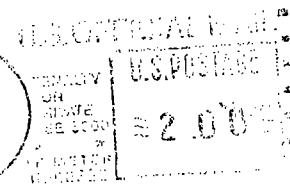


United States  
Environmental Protection  
Agency

**8WM-C**

Region 8  
999 18th St., Suite 500  
Denver, CO 80202-2405

Official Business  
Penalty for Private Use  
\$300



Mr. Wayne Webster  
Rico Development Corp.  
P.O. Box 158, Highway 145  
Rico, Colorado 81332

3240-WQC-P&E  
STATE OF COLORADO

Colorado Department of Health  
4210 E. 11th Avenue  
Denver, CO 80220

Wayne Webster  
P.O. Box 130  
Rico, CO 81332

REGISTERED  
FIRST CLASS



# STATE OF COLORADO

## COLORADO DEPARTMENT OF HEALTH

4210 East 11th Avenue  
Denver, Colorado 80220-3716  
Phone (303) 320-8333

Telefax:  
(303) 322-9076 (Main Building/Denver)  
(303) 320-1529 (Plattman Place/Denver)  
(303) 248-7198 (Grand Junction Regional Office)



August 22, 1990

Roy Romer  
Governor

Thomas M. Vernon, M.D.  
Executive Director

Mr. Mike Towne  
P. O. Box 7  
Rico, CO 81332

RE: Duplicate discharge permits  
from state and EPA  
Rico Development Inc.  
CDPS Permit No. CO-0029793

Dear Mr. Towne:

As you are aware, the EPA intends to issue a permit for the above-referenced site. The reason for the separate federal permit is that the EPA and the state have been unable to resolve the biomonitoring issues. Once the EPA permit is issued, you will need to comply with it as well as with all the conditions under the existing state permit.

Certain other permittees, subject to both state and EPA permits, have been able to get their state permit amended, with respect to biomonitoring, and this amendment has satisfied EPA's concerns. You may wish to discuss the nature of the amendment to determine if Rico would like to pursue such an approach. In the case of other facilities, once amended, EPA has dropped their veto of the state permit. To discuss such an amendment, please contact Pat Nelson at 331-4755.

Feel free to contact me at 331-4759 if you have additional questions.

Sincerely,

*Sandy Marek*

Sandy Marek  
Engineering Technician  
WATER QUALITY CONTROL DIVISION

xc: MS-3

Jim Horn, District Engineer, Durango Office, WQCD  
David Sell, McMichael, Benedict and Multz  
Wayne Webster, Rico Development



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

Ref: 8WM-R

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Wayne Webster  
Rico Development Corporation  
P.O. Box 158, Highway 145  
Rico, Colorado 81332


Re: Rico Development Corp.,  
A Colorado Corporation  
Permit No. CO-0029793

Dear Mr. Webster:

Enclosed please find an original corrected page of Permit No.: CO-0029793 (Page 10 of 24), which you received on October 1, 1990. This corrected page deletes one clause, "used only for acute toxicity". Please insert corrected page and discard the old page.

Thank you for your cooperation. If you should have any questions pertaining to the correction of this page, please contact Dana Allen at (303) 293-1593.

Sincerely,

  
Steve A. Burkett, P.E., Chief  
Compliance Branch  
Water Management Division

Enclosure

cc: J. David Holm, Director  
Colorado Department of Health

C. Specific Limitations and Self-Monitoring Requirements

## 3. Whole Effluent Toxicity Testing - Acute Toxicity

Starting in the 1st quarter of calendar year 1991, the permittee shall, at least once each calendar quarter, conduct acute static replacement toxicity tests on a grab sample of the discharge.

The replacement static toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms", EPA-600/4-85-013 (Rev. March 1985) and the "Region VIII EPA NPDES Acute Test Conditions - Static Renewal Whole Effluent Toxicity Tests". In case of conflicts, the Region VIII document will prevail. The permittee shall conduct an acute 48-hour static toxicity test using Ceriodaphnia sp. and an acute 96-hour static replacement toxicity test using fathead minnows. Reconstituted dilution water may be used for all test procedures.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs in a routine test, an additional test shall be conducted within four weeks of the date of the initial sample. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the permit issuing authority.

Quarterly test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter (e.g., whole effluent results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining reports submitted with DMRs due each July 28, October 28, and January 28). Monthly test results shall be reported along with the DMR submitted for that month. The format for the report shall be consistent with the latest revision of the Region VIII Guidance for Acute Whole Effluent Reporting and shall include all chemical and physical data as specified.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

September 28, 1990

Ref: 8WM-C

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Wayne Webster  
Rico Development Corporation  
P.O. Box 158, Highway 145  
Rico, CO 81332

Dear Mr. Webster:

Enclosed is the NPDES permit for Rico Development Corporation,  
CO-0029793. This permit shall become  
effective upon the date specified unless, within (30) days  
following the date of receipt, you submit a request for an  
evidentiary hearing in accordance with the provisions of 40 CFR  
Section 124.74. Any evidentiary hearing request must be  
addressed to:

Regional Administrator (8A)  
U.S. Environmental Protection Agency  
Region VIII, Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405

The preprinted Discharge Monitoring Report (DMR) forms for  
the enclosed permit are being processed and will be mailed to you  
before the due date of the first DMR. If you have not received  
these forms by that time, please contact the Compliance Branch at  
(303) 293-1588.

If you have any legal questions with regard to this permit,  
please contact the Regional Counsel's office at (303) 293-7568.  
Questions regarding monitoring requirements, schedules and permit  
limitations should be directed to the Compliance Branch at the  
above number.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Max H. Dodson".

Max H. Dodson  
Director  
Water Management Division

Enclosure(s)

NPDES Discharge Permit

Permit No.: CO-0029793

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
DENVER PLACE  
999 18TH STREET, SUITE 500  
DENVER, COLORADO 80202-2405

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

RICO Development Corporation - St. Louis Tunnel Mine  
is authorized to discharge from a facility located in Section 24 and 25, Township 40 North, Range 11 West, in Dolores County on Highway 145, approximately 1 mile north of Rico, Colorado.


to receiving water named the Dolores River,


in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective November 1, 1990.

This permit and the authorization to discharge shall expire at midnight, September 30, 1995.

Signed this 27th day of September 1990.

  
Authorized Permitting Official

 Max H. Dodson  
Director  
Water Management Division  
Title

Mine (Rev. 9/10/90)



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**I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS****A. Definitions.**

1. The "30-day (and monthly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
  - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

A. Definitions (Cont.)

- b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
  - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
  - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
- 5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
  - 6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
  - 7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - 8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
  - 9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - 10. "Director" means Director of the United States Environmental Protection Agency's Water Management Division.
  - 11. "EPA" means the United States Environmental Protection Agency.

A. Definitions (Cont.)

12. "Active mining area" is a place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted.
13. "Mine" is an active mining area, including all land and property placed under, or above the surface of such land, used in or resulting from the work of extracting metal ore or minerals from their natural deposits by any means or method, including secondary recovery of metal ore from refuse or other storage piles, wastes, or rock dumps and mill tailings derived from the mining, cleaning or concentration of metal ores.
14. "Mine drainage" means any water drained, pumped, or siphoned from a mine.
15. "Acute Toxicity" occurs when 50 percent or more mortality is observed for either species (See Part I.C.) at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

B. Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under the Clean Water Act.

OutfallSerial NumberDescription of Discharge Point

- |     |   |
|-----|---|
| 001 | Outfall from the Blaine Tunnel. Discharges from this Outfall are prohibited except in emergency bypass situations.            |
| 002 | The discharge from the water treatment system. Outfall 002 is a 9 inch Parshall flume located between settling ponds 4 and 5. |

C. Specific Limitations and Self-Monitoring Requirements

1. There shall be no discharge from Outfall 001, the Blaine Tunnel, except for emergency bypass purposes only, and is subject to part III.G of this permit.
2. During the period beginning immediately and lasting through the life of this permit, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Parameter</u>	<u>30-day Average</u>	<u>Daily Maximum</u>	<u>Monitoring Frequency</u>	<u>Sample Type<sup>a/</sup></u>
Flow, mgd	2.6	N/A	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/ℓ	20	30	Monthly	Grab
Oil and Grease, mg/ℓ	N/A	10	Weekly	Visual or Grab <sup>b/</sup>
pH, s.u.	c/	c/	Weekly	Grab
Total Recoverable Cadmium, lbs/day				
(1/1-4/30)	0.052	0.10	2/Month	Grab
(5/1-7/31)	0.12	0.24	2/Month	Grab
(8/1-12/31)	0.076	0.15	2/Month	Grab
Total Recoverable Copper, mg/ℓ	0.03	0.06	2/Month	Grab
Total Recoverable Lead, mg/ℓ	0.009	0.018	2/Month	Grab
Total Recoverable Silver, lbs/day				
(1/1-4/30)	0.0053	0.010	2/Month	Grab
(5/1-7/31)	0.013	0.026	2/Month	Grab
(8/1-12/31)	0.0081	0.016	2/Month	Grab
Total Recoverable Zinc, lbs/day	9.5	19.0	2/Month	Grab

C. Specific Limitations and Self-Monitoring Requirements (Cont.)

<u>Effluent Parameter</u>	<u>30-day Average</u>	<u>Daily Maximum</u>	<u>Monitoring Frequency</u>	<u>Sample Type<sup>a/</sup></u>
Whole Effluent Toxicity (WET), Acute	N/A	d/	Quarterly	Grab
Total Dissolved Solids, mg/l	N/A	Report	Quarterly	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

Samples taken for compliance with the effluent limitations and monitoring requirements specified above shall be taken at the discharge points prior to admixture with the dilution water in the Dolores River.

N/A - Not Applicable.

<sup>a/</sup> See Definitions, Part 1.A. for definition of terms.

<sup>b/</sup> Oil and grease shall not exceed 10 mg/l in any grab sample nor shall there be a visible sheen. If a visible sheen or floating oil is observed, a grab sample shall be taken and corrective action implemented immediately.

<sup>c/</sup> The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any grab sample.

<sup>d/</sup> Effective June 4, 1993 there shall be no acute toxicity in any effluent concentration.



C. Specific Limitations and Self-Monitoring Requirements  
(Used only for Acute toxicity)

3. Whole Effluent Toxicity Testing - Acute Toxicity

Starting in the 1st quarter of calendar year 1991, the permittee shall, at least once each calendar quarter, conduct acute static replacement toxicity tests on a grab sample of the discharge.

The replacement static toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms", EPA-600/4-85-013 (Rev. March 1985) and the "Region VIII EPA NPDES Acute Test Conditions - Static Renewal Whole Effluent Toxicity Tests". In case of conflicts, the Region VIII document will prevail. The permittee shall conduct an acute 48-hour static toxicity test using Ceriodaphnia sp. and an acute 96-hour static replacement toxicity test using fathead minnows. Reconstituted dilution water may be used for all test procedures.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs in a routine test, an additional test shall be conducted within four weeks of the date of the initial sample. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the permit issuing authority.

Quarterly test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter (e.g., whole effluent results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining reports submitted with DMRs due each July 28, October 28, and January 28). Monthly test results shall be reported along with the DMR submitted for that month. The format for the report shall be consistent with the latest revision of the Region VIII Guidance for Acute Whole Effluent Reporting and shall include all chemical and physical data as specified.

PART I

Page 11 of 24

Permit No.: CO-0027529

C. Specific Limitations and Self-Monitoring Requirements (Cont.)

If the results for the first four consecutive quarters of testing indicate no acute toxicity, the permittee may request the permit issuing authority to allow a reduction to quarterly acute toxicity testing on only one species. The permit issuing authority may approve or deny the request based on the results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

4. Toxicity Reduction Evaluation (TRE)

If toxicity is detected, and it is determined by the permit issuing authority that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. The purpose of the TRE will be to establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity prior to the deadline for compliance contained in Part I.C.2 of this permit.

If the TRE establishes that the toxicity cannot be eliminated by the deadline contained in this permit, the permittee shall submit a proposed compliance plan to the permit issuing authority. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the permit issuing authority, this permit may be reopened and modified.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the permit issuing authority, shall in no way relieve the permittee from the deadline for compliance contained in Part I.C.2 of this permit.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- D. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance For Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part IV), and submitted to the Director, Water Management Division and the State water pollution control agency at the following addresses:

original to: United States Environmental Protection  
Agency, Region VIII, Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405  
Attention: Water Management Division  
Compliance Branch (8WM-C)

copy to: Colorado Department of Health  
Water Quality Control Division  
4210 East 11th Avenue  
Denver, Colorado 80220  
Attention: Permits and Enforcement

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The time(s) analyses were initiated;
  5. The initials or name(s) of individual(s) who performed the analyses;
  6. References and written procedures, when available, for the analytical techniques or methods used; and,
  7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.

PART II

Page 14 of 24

Permit No.: CO-0029793

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at (303) 293-1788 and the State of Colorado at (303) 370-9395.
2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region VIII, Compliance Branch at (303) 293-1589 and the State of Colorado at (303) 331-4590 by the first workday (8:00 a.m. - 4:30 p.m. Mountain Time) following the day the permittee became aware of the circumstances:
  - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
  - b. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or,
  - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Compliance Branch, Water Management Division, Denver, Colorado, by phone, (303) 293-1589.

PART II

Page 15 of 24

Permit No.: CO-0029793

5. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.2.
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

## III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Director advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$5,000, nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. Except as provided in permit conditions on Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance

with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

F. Removed Substances. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 60 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.

3. Prohibition of bypass.

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.



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This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

- (3) The permittee submitted notices as required under paragraph 2. of this section.

- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and,

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- d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
  1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. One hundred micrograms per liter (100 ug/l);
    - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
    - d. The level established by the Director in accordance with 40 CFR 122.44(f).
  2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. Five hundred micrograms per liter (500 ug/l);
    - b. One milligram per liter (1 mg/l) for antimony;
    - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
    - d. The level established by the Director in accordance with 40 CFR 122.44(f).

## IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b);
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1. including mining operations, planned for ore bodies other than currently undergoing removal or extraction.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit

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application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. **Certification.** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any

circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- O. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:
1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. Wasteload Allocation: A wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

- P. Other Requirements. Monitoring of a discharge may be terminated if: Sufficient data has been accumulated to show to the satisfaction of the Regional Administrator or his designee that the untreated discharge from an area where active mining has ceased will meet the limitations herein.
- Q. Toxicity Limitation-Reopener Provision. Subject to the restrictions of Section 304(1) of the CWA, this permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:
1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.
  2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.
  3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.
  4. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically.
  5. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

## STATEMENT OF BASIS

### Permittee

Name: Rico Development Corporation, A Colorado Corporation

### Mailing

Address: P.O. Box 158  
Highway 145  
Rico, Colorado 81332

### NPDES Permit

Number: CO-0029793

### FACILITY INFORMATION

Name of Facility: St. Louis Tunnel Mine

Contact Person: Wayne E. Webster

Telephone: (303) 967-2793 or 967-2152

### Facility Location:

The Rico Development Corporation's St. Louis Tunnel Mine is located in Section 24 & 25, Township 40 North, Range 11 West, in Dolores County on Highway 145, approximately 1 mile north of Rico, Colorado.

### Description of Facility:

The Rico Development Corporation facility operates a water treatment system for mine audit discharge from an inactive lead, zinc, and silver mine. When the facility was active, operations consisted of a mill near Silver Creek and an acid plant and cyanide heap leach operation along the Dolores River in the St. Louis mine area. The mine previously produced drainage through the Blaine Tunnel. However, all drainage now flows into the St. Louis Tunnel, which drains into the water treatment system. The system, which became fully operational on April 1, 1984, uses a ball mill for lime slaking and provides lime slurry addition at a controlled rate. In 1986, a new lime slaking facility was added to the treatment system to achieve lower metal concentrations. The system includes a series of nineteen settling ponds.

### Description of Discharge:

This permit addresses the discharges from the following Outfalls:

Outfall 001 - The discharge from the Blaine Tunnel. Discharges from this Outfall are prohibited except in emergency bypass situations.



Outfall 002 - The discharge from the water treatment system.  
Outfall 002 is a 9 inch Parshall flume located  
between settling ponds 4 and 5.

Purpose of Issuance:

Pursuant to Section 304(1) of the Clean Water Act (CWA), the State of Colorado has listed the Dolores River, Segment 2 as an impacted stream segment not expected to meet applicable water quality standards due entirely or substantially to point source discharges. Section 3.1.11(1)(d) of Colorado's Basic Standards and Methodologies prohibits discharges "in amounts, concentrations or combinations which are harmful to the beneficial uses or toxic to humans, animals, plants or aquatic life." Based on results of Whole Effluent Toxicity (WET) testing for Outfall 002, the St. Louis Mine facility has been listed under Section 304(1) as having a point source discharge which does not meet this narrative standard. The Region has disapproved the State of Colorado's Individual Control Strategy (ICS) for this facility. Therefore, the Region is issuing this permit to serve as the Individual Control Strategy (ICS), required under 40 CFR 123.46.

Status of State Permit:

There is also a State discharge permit in effect for this facility. The State issued Amendment No. 2 to this permit on September 6, 1989 adding Whole Effluent Toxicity (WET) provisions. This amendment was intended to fulfill the ICS requirement, however, the amendment did not have enforceable WET limits. EPA, therefore, disapproved the amendment and is issuing this permit.

Existing State Permit Conditions:

Effluent Limitations: Outfall 001

Discharges from Outfall 001 are prohibited, except for bypass purposes.

Effluent Limitations: Outfall 002

<u>Parameter</u>	<u>Discharge Limitations</u>	
	<u>30-Day Avg</u>	<u>Daily Max</u>
Flow, MGD	2.6	N/A
Total Suspended Solids, mg/l	20.0	30.0
Total Recoverable Cadmium, lbs/day		
(1/1 - 4/30)	0.052	0.10
(5/1 - 7/31)	0.12	0.24
(8/1 - 12/31)	0.076	0.15
Total Recoverable Copper, mg/l	0.03	0.06

Total Recoverable Lead, mg/l	0.009	0.018
Total Recoverable Silver, lbs/day		
(1/1) - 4/30)	0.0053	0.010
(5/1 - 7/31)	0.013	0.026
(8/1 - 12/31)	0.0081	0.016
Total Recoverable Zinc, lbs/day	9.5	19.0
Total Dissolved Solids, mg/l	N/A	Report
WET, Acute	Report	N/A
WET, Chronic	Report	N/A

pH - standard units shall remain between 6.5 and 9.0.

Oil and Grease shall not exceed 10 mg/l in any grab sample nor shall there be a visible sheen. If a visible sheen or floating oil is observed, corrective action shall be taken immediately.

There shall be no discharge of floating solids.

#### Monitoring Frequencies: Outfall 002

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Monthly	Grab
Oil and Grease mg/l	Weekly	Visual
pH, s.u.	Weekly	Grab
Total Rec. Cadmium, lbs/day	2/Month	Grab
Total Rec. Copper, mg/l	2/Month	Grab
Total Rec. Lead, mg/l	2/Month	Grab
Total Rec. Silver, lbs/day	2/Month	Grab
Total Rec. Zinc, lbs/day	2/Month	Grab
Total Dissolved Solids, mg/l	Quarterly Grab	
WET, Acute	Quarterly	Grab
WET, Chronic	Semi-annually	Grab

All of the above effluent limitations for Outfall 002 are based on the applicable State standards and policies.

#### DMR Review

The following table summarizes discharge monitoring report (DMR) data for Outfall 002 from January 1989 to March 1990.

<u>Parameter</u>	<u>1989</u>	<u>1990</u>
Flow, MGD (max)	1.1	0.87
pH, s.u. (max)	8.12	7.7
pH, s.u. (min)	6.8	6.9
TSS, mg/l (max)	18.0	60.0
TSS, mg/l (max monthly avg.)	11.25	33.75

Ag, lbs/day (max)	0.01	0.01
Ag, lbs/day (max monthly avg.)	0.01	<.001
Zn, lbs/day (max)	1.66	2.13
Zn, lbs/day (max monthly avg.)	1.24	1.435
Cd, lbs/day (max)	0.18	0.0104
Cd, lbs/day (max monthly avg.)	0.091	0.0079
Pb, mg/l (max)	0.019	0.033
Pb, mg/l (max monthly avg.)	0.054	0.0225
Cu, mg/l (max)	0.03	0.04
Cu, mg/l (max monthly avg.)	0.03	0.025
Oil & Grease, mg/l	0	0
TDS, mg/l (max)	1878	1352

The permittee was required to initiate WET testing during the last quarter of 1989. However, no WET testing was performed in 1989. The results of WET testing conducted during the first quarter of 1990 demonstrated that the effluent was acutely toxic.

#### Receiving Water

The receiving water for Outfall 001 is Silver Creek, however, discharges from this Outfall are prohibited. The receiving water for Outfall 002 is Segment 2 of the Dolores River. The applicable use designation classifications and standards for Outfall 002 are presented below:

Dolores River (Segment 2)  
 Recreational, Class 2  
 Aquatic Life, Class 1 (Cold)  
 Agricultural Use  
 Water Supply

#### Standards:

pH = 6.5 - 9.0  
 Fecal Coliform Bacteria = 2000/100 ml  
 NH<sub>3</sub> = 0.02 mg/l (unionized)  
 Residual Cl<sub>2</sub> = 0.003 mg/l  
 Cyanide (free) = 0.005 mg/l  
 S as H<sub>2</sub>S = 0.002 (undissolved)  
 Boron = 0.75 mg/l  
 Nitrite = 0.05 mg/l  
 Nitrate = 10.0 mg/l  
 Chloride = 250.0 mg/l  
 Sulfate = 250.0 mg/l  
 Arsenic = 0.05 mg/l  
 Cadmium = 0.0012 mg/l  
 Chromium (tri) = 0.05 mg/l  
 Chromium (hex) = 0.025 mg/l  
 Copper = 0.005 mg/l  
 Lead = 0.004 mg/l  
 Iron (Sol.) = 0.3 mg/l  
 Iron (Tot.) = 1.00 mg/l

Manganese (Sol.) = 0.05 mg/l  
Manganese (Tot.) = 1.0 mg/l  
Mercury = 0.00005 mg/l  
Nickel = 0.05 mg/l  
Selenium = 0.01 mg/l  
Silver = 0.0001 mg/l  
Zinc = 0.05 mg/l

#### Effluent Limitations:

Proposed effluent limitations and monitoring frequencies are shown in Table 1.

Effluent limitations for all parameters except WET are retained from the existing State permit. Because the St. Louis Tunnel is an inactive mine area, the effluent limitations contained in 40 CFR Part 440 Subpart J for the Ore Mining and Dressing Point Source Category do not apply. Effluent limitations for total recoverable cadmium, copper, lead, silver and zinc have been established based on the Dolores River water quality standards for these parameters using the effluent flow for Outfall 002 and the 7Q10 for Segment 2 of the Dolores River. Because of the high design flow (2.6 MGD) in relation to the normal discharge (approximately 1.5 MGD), significant concentrations of pollutants could be discharged, while complying with mass-based limitations. Therefore, concentration-based effluent limitations have been established for lead and copper to ensure that the effluent is properly treated prior to discharge. The Region is using the wasteload allocation as documented in the State Summary of Rationale (April 20, 1982) as a basis for these concentration limits. Using best professional judgment (BPJ), the effluent limitations for total suspended solids have based on the effluent guidelines for active lead, silver, and zinc mine areas contained in 40 CFR Part 440 Subpart J. The pH limitations are based on the water quality standards; the oil and grease limitations are based on the State effluent standards. TDS monitoring requirements are based on the Colorado River Basin Salinity Policy. Based on an evaluation of the nature of the discharge and applicable monitoring data, all other parameters with applicable water quality standards are unlikely to be present in the discharge at levels that would cause exceedances of the water quality standards.

There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no discharge of sanitary wastes.

The requirements for WET testing are in accordance with the 1990 revisions to the "Region VIII Whole Effluent Toxics Control Program." Quarterly acute toxicity testing using two species (*Ceriodaphnia* and fathead minnows) is required. Acute toxicity occurs when 50 percent or more mortality is observed for either

species at any effluent concentration. The compliance schedule included in the proposed permit requires that the facility characterize and eliminate toxicity in the discharge from Outfall 002 by June 4, 1993.

Duration of Permit

This permit is effective immediately and shall expire September 30, 1995.

Prepared By:

Lynn Curry  
Science Applications International Corporation  
May 25, 1990

Reviewed By:

Ron Rimelman  
Science Applications International Corporation  
June 1, 1990

TABLE 1

## PROPOSED EFFLUENT LIMITATIONS/MONITORING PARAMETERS

<u>Parameter</u>	<u>Effluent Limitation</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow, MGD	2.6/N/A <sup>a/</sup>	Daily	Instantaneous or continuous
Total Suspended Solids, mg/l	20/30 <sup>a/</sup>	Monthly	Grab
Oil and Grease, mg/l	N/A/10 <sup>b/</sup>	Weekly	Visual or Grab <sup>b/</sup>
pH, s.u.	6.5-9.0 <sup>c/</sup>	Weekly	Grab
Total Recoverable Cadmium, lbs/day			
(1/1-4/30)	0.052/0.10 <sup>a/</sup>	2/Month	Grab
(5/1-7/31)	0.12/0.24 <sup>a/</sup>	2/Month	Grab
(8/1-12/31)	0.076/0.15 <sup>a/</sup>	2/Month	Grab
Total Recoverable Copper, mg/l	0.03/0.06 <sup>a/</sup>	2/Month	Grab
Total Recoverable Lead, mg/l	0.009/0.018 <sup>a/</sup>	2/Month	Grab
Total Recoverable Silver, lbs/day			
(1/1-4/30)	0.0053/0.010 <sup>a/</sup>	2/Month	Grab
(5/1-7/31)	0.013/0.026 <sup>a/</sup>	2/Month	Grab
(8/1-12/31)	0.0081/0.016 <sup>a/</sup>	2/Month	Grab
Total Recoverable Zinc, lbs/day	9.5/19.0 <sup>a/</sup>	2/Month	Grab
Whole Effluent Toxicity (WET), Acute	No Toxicity <sup>d/</sup>	Quarterly	Grab
Total Dissolved Solids, mg/l	N/A Report	Quarterly	Grab

a/ 30-day average limitation/daily maximum limitation.

b/ Daily maximum limitation; there shall be no visual sheen, a grab sample shall be taken if a visual sheen is observed.

c/ Daily minimum - daily maximum limitation.

d/ Effective June 4, 1993, there shall be no acutely toxic discharge.

TABLE 1

## PROPOSED EFFLUENT LIMITATIONS/MONITORING PARAMETERS

	<u>Effluent Limitation</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow, MGD	N/A/N/A	Daily	Instantaneous or continuous
Temperature °C	N/A/N/A	2/Month	In situ
Total Suspended Solids, mg/ℓ	20/30 <sup>a</sup>	2/Month	Grab
Dilution Flow, mgd	N/A/N/A	2/Month	Instantaneous or continuous
Oil and Grease, mg/ℓ	N/A/10 <sup>b</sup>	Weekly	Visual or Grab
pH, s.u.	6.5-9.0 <sup>c</sup>	Weekly	Grab
Total Ammonia Nitrogen	4.5/N/A <sup>a</sup>	2/Month	Grab
Total Cadmium, mg/ℓ	0.05/0.10 <sup>a</sup>	Monthly	Grab
Total Cyanide, mg/ℓ*	0.10/0.20 <sup>a</sup>	Monthly	Grab
Total Recoverable Copper, mg/ℓ	0.05/0.10 <sup>a</sup>	2/Month	Grab
Total Recoverable Lead, mg/ℓ	0.20/0.40 <sup>a</sup>	2/Month	Grab
Total Mercury, mg/ℓ	0.001/0.002 <sup>a</sup>	Monthly	Grab
Sulfate, mg/ℓ	N/A/N/A <sup>a</sup>	Monthly	Grab
Total Recoverable Zinc, mg/ℓ	0.5/1.0 <sup>a</sup>	2/Month	Grab
Total Recoverable Manganese, mg/ℓ	1.0/2.0 <sup>a</sup>	2/Month	Grab
Dissolved Manganese, mg/ℓ	N/A/N/A	Monthly	Grab

TABLE 1

## PROPOSED EFFLUENT LIMITATIONS/MONITORING PARAMETERS (cont.)

	<u>Effluent Limitation</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Whole Effluent Toxicity (WET), Chronic	Report/N/A <sup>d</sup>	Quarterly	Grab

- a/ 30-day average limitation/daily maximum limitation
- b/ Daily maximum limitation; a grab sample shall be taken if a visual sheen is observed.
- c/ Daily minimum - daily maximum limitation
- d/ Whole Effluent Toxicity (WET) samples shall consist of an effluent grab sample collected on a quarterly basis. There shall be no chronically toxic discharge on a 100 percent effluent grab sample as of June 4, 1993.
- \* Res-ASARCO shall demonstrate within 90 days of notification by EPA of promulgation of an acceptable analytical technique for free cyanide, compliance with adopted stream classifications for free cyanide. Demonstration shall be an instantaneous measurement, for monitoring requirements.